

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DAVID EMIL HARABIN

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

vs.

DAVID EMIL HARABIN

CASE NO: 5-20-00452-RNO

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

AND NOW, on February 27, 2020, Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney Agatha R. McHale, Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice.

1. A Petition under Chapter 13 was filed on February 7, 2020.
2. The Debtor(s) did not comply with the Credit Counseling requirements of 11 U.S.C. Sections 109(h) and 521(b).
3. In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 5-19-03347-RNO

Counsel: PRO SE

Filing Date: 08/02/19

Date Dismissed: 08/23/19

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for failure to file information

Case Number: 5-18-04231-JJT

Counsel: PRO SE

Filing Date: 10/05/18

Date Dismissed: 11/26/18

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for failure to file information

Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of two (2) prior Chapter 13 petitions within a two (2) year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of conference, and/or hearing and other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Enter an Order dismissing the above-captioned case and,

2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,
Agatha R. McHale, Esquire
Id: 47613
Attorney for Trustee
Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: amchale@pamd13trustee.com

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MOTION TO DISMISS WITH
PREJUDICE

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on February 27, 2020, I served a copy of this Motion to Dismiss with Prejudice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

PRO SE

SERVED ELECTRONICALLY

, -

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

SERVED ELECTRONICALLY

DAVID EMIL HARABIN
648 NORTH ST.
HAZLE TOWNSHIP, PA 18202

SERVED BY 1ST CLASS MAIL

I certify under penalty of perjury that the foregoing is true and correct.

Dated: February 27, 2020

Respectfully submitted,
Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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CHAPTER 13

CHARLES J. DEHART, III

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CASE NO: 5-20-00452-RNO

vs.

DAVID EMIL HARABIN

MOTION TO DISMISS WITH PREJUDICE

Respondent(s)

ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.